

REMARKS

Claims 1-26 are presently pending within this application. Claim 17 has been amended and new claims 27 and 28 have been added.

Rejections to the Specification

The specification is objected to because of the blank line within the originally-filed application. The specification has been amended herein to address this informality. Accordingly, applicant respectfully requests that the objection to the specification be withdrawn.

Rejections Under 35 U.S.C. Section 112

Claims 1-26 are rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite for perceived ambiguities in claims 1, 13, 17 and 21. Claim 17 has been duly amended to remove the perceived ambiguity in claim 17. Applicants respectfully traverse the rejections as to claims 1-26, because of perceived ambiguities in claims 1, 13 and 17.

It is the examiner's position that claims 1, 13 and 17 are ambiguous in that it is unclear whether or not the referenced flow restrictor is a necessary element of those claims. Applicants submit that one of ordinary skill in the art reading those claims, together with the specification and drawings, would recognize that the referenced flow restrictor is clearly not an element of those claims. Applicants submit that it is perfectly

clear that in each of claims 1, 13 and 17, a plurality of ports are adapted to receive a flow restrictor, i.e., have the capability of receiving a flow restrictor, but it is equally clear that the claims do not require that any such flow restrictor be actually retained within any of the plurality of ports. This is now made even clearer by the addition of new claims 28 and 29 which explicitly require that a flow restrictor be disposed within at least one of the ports.

Accordingly, applicants submit that no ambiguity exists within claims 1, 13 and 17 as suggested by the examiner, and that the rejection of claims 1-26 based upon perceived ambiguities in claims 1, 13 and 17 should be withdrawn.

Rejections Under 35 U.S.C. Section 102

Claims 1-26 are rejected under 35 U.S.C. Section 102(e) as being anticipated by Arnaud (U.S. Pat. No. 6,669,843). Claims 1-26 are rejected under 35 U.S.C. Section 102(e) as being anticipated by Lecoffre et al. (U.S. Pat. No. 6,426,010). Claims 1-26 are rejected under 35 U.S.C. Section 102(b) as being anticipated by Greene et al. (U.S. Pat. No. 6,019,825). Applicants respectfully traverse these rejections.

Neither Arnaud, Lecoffre et al. or Greene et al. discloses or fairly suggests a mixing apparatus having a plurality of ports "adapted to receive a flow restrictor to permit selective control of velocity and flow volume." Accordingly, the rejection of claims 1-26 under 35 U.S.C. Section 102 is in error and should be withdrawn.

Moreover, there is nothing in any of the cited references which would offer an incentive for those of ordinary skill in the art to provide a mixing apparatus with a plurality of ports which are adapted to receive a flow restrictor. Accordingly, no rejection of claims 1-26 under 35 U.S.C. Section 103 would be appropriate.

New Claims 27-29

Claims 27-29 all find support in the originally-filed specification and drawings, including, most specifically, in the specification paragraph beginning on page 9, line 9.

Each of the claims is believed to be in condition for allowance for the same reasons that claims 1-26 are believed to be in condition for allowance.

Additionally, claims 27 and 29 are allowable over the prior art for the additional reason that claims 27 and 29 further require that the plurality of ports be threaded.

Also, claims 28 and 29 are allowable over the prior art for the additional reason that claims 27 and 29 further require that a flow restrictor be disposed within at least one of the ports. Accordingly, applicants request that new claims 28 and 29 be deemed in condition for allowance.

CONCLUSION

For the reasons set forth above, applicant respectfully submits that all of the claims in this application are in condition for allowance. Accordingly, reconsideration, reexamination and allowance of all claims is requested.

Respectfully submitted,

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